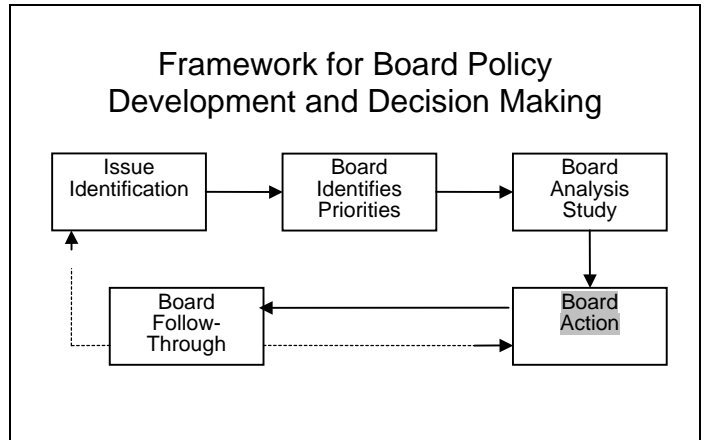


# Iowa State Board of Education

## Executive Summary

July 26-27, 2006



**Agenda Item:**

Chapter 43, “Pupil Transportation,” rule amendments.

**Iowa Goal:**

2. All K-12 students will achieve at high levels, prepared for success beyond high school.

**Equity Impact Statement:**

Support the improvement of school bus safety.

**Presenter:**

Carol Greta, Attorney 3

**Attachments:**

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**Recommendation:**

It is recommended that the State Board adopt and file the attached amendments to Chapter 43.

**Background:**

The proposed amendments implement changes suggested by the Department of Public Health to eliminate language regarding tuberculosis testing. Other proposed amendments enhance the safety standards regarding seating, two-way communication requirement and post-trip inspections, and provide the Department of Education with more sanctioning options regarding a driver’s authorization.

## EDUCATION DEPARTMENT [281]

### Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education adopts amendments to Chapter 43, “Pupil Transportation,” Iowa Administrative Code.

The amendments eliminate the requirement of tuberculosis testing for bus drivers; clarify rules on the seating provided in school buses; add a post-trip inspection requirement; add a two-way communication requirement; and add more options for sanctions against drivers who violate rules of conduct. Item 5 was added after the rules were noticed to conform to section 51 of Senate File 2272 (passed this session), which amended Code section 321.376(1) to add that the Department of Education may temporarily suspend a driver’s authorization or may issue a reprimand or warning to the driver. Prior to the passage of SF 2272, if a driver was found to have violated a rule of conduct, the Department’s only choice was to revoke or not revoke the driver’s authorization.

An agency-wide waiver provision is provided in 281—chapter 4.

Notice of Intended action was published in the April 26, 2006 Iowa Administrative Bulletin as ARC#5054B. A public hearing was held on May 19, 2006 and public comments were allowed until 4:30 p.m. on May 19, 2006. No written or oral comments were received.

These amendments are intended to implement Iowa Code chapters 285 and 321.

These amendments shall become effective September 20, 2006.

The following amendments are adopted.

ITEM 1. Amend subrule **43.10(5)** by rescinding paragraph “c” and relettering paragraphs “d” to “f” as “c” to “e.”

ITEM 2. Adopt new subrule 43.10(6) as follows:

**43.10(6) Seating.**

- a. Each passenger shall have a comfortable seat.
- b. Student passengers shall have a minimum of 13 inches of allowable seating per person.
- c. For adult groups, no more than two persons shall occupy a 39-inch seat.
- d. Standees are prohibited in all situations, whether the bus is transporting students or adults.
- e. The maximum number of passengers shall never exceed the rated capacity of the vehicle as it is equipped.

ITEM 3. Amend rule 281—43.15(285) as follows:

**281—43.15(285) Physical fitness.** Except for insulin-dependent diabetics, an applicant for a school bus driver’s authorization must undergo a biennial physical examination by a licensed physician or surgeon, osteopathic physician or surgeon, osteopath, qualified doctor of chiropractic, licensed physician assistant, or advanced registered nurse practitioner. The applicant must submit annually to the applicant’s employer the signed medical examiner’s certificate (pursuant to Federal Motor Carrier Safety Administration regulations 49 CFR Sections 391.41 to 391.49), indicating, among other requirements, sufficient physical capacity to operate the bus effectively and to render assistance to the passengers in case of illness or injury, and freedom from any communicable disease, ~~such as tuberculosis~~. At the discretion of the chief administrator or designee of the employer or prospective employer, the chief administrator or designee shall evaluate the applicant’s ability in operating a school bus, including all safety equipment, in providing assistance to passengers in evacuation of the school bus, and in performing other duties required of a school bus driver.

ITEM 4. Rescind and reserve rule **281—43.16(285)**.

ITEM 5. Amend rule 281—43.41(285) as follows:

**281—43.41(285) Pretrip Trip inspections.** A ~~daily~~ pretrip inspection of each school bus shall be performed and recorded *prior to each trip*. A written report shall be submitted promptly to the superintendent of schools, transportation supervisor, school bus mechanic, or other person charged with the responsibility for the school transportation program, if any defects or deficiencies are discovered that may affect the safety of the vehicle’s operation or result in its mechanical breakdown. *A posttrip inspection of the interior of the school bus shall be performed after each trip.*

ITEM 6. Renumber rule **281—43.43(285)** as **281— 43.44(285)** and adopt new rule 281—43.43(285) as follows:

**281—43.43(285) Communication equipment.** Each school bus shall have a two-way communications system or cellular telephone capable of emergency communication between the driver of the bus and the school’s base of operations for school transportation.